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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,721	07/17/2000	Bruce G. Laval	530057/293	7890

33717 7590 04/09/2003

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EXAMINER

HARTMAN JR, RONALD D

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 04/09/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/617,721

Applicant(s)

LAVAL ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-206 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 13-206 is/are rejected.
- 7) ☒ Claim(s) 7-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,7,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Please disregard the last office action as it was written before the addition of claims 202-206. Therefore, claims 1-206 are presented for examination.

Priority

2. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification or in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15-18 and 25-28 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As per claims 15-18 and 25-28, the applicant has claimed "informational material" wherein the information material appears to be directed towards information specific to the customer upon identification of the customer (claim 17), and to information that is used to influence pedestrian traffic patterns (claim 18). Neither one of these limitations appears to be adequately supported by the specification as originally filed, and since no

amendments were made with respect to the specification as originally filed, these limitations are considered to be new matter.

All new matter must be deleted in response to this office action.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 147 and 154 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 147 and 154 recites the limitation "the subsystem" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, 13-14, 19-22, 24, 29-32, 34-42, 44-52, 54-62, 64-71, 73-79, are rejected under 35 U.S.C. 102(e) as being anticipated by Waytena et al, U.S. Patent No. 5,978,770.

As per claims 1-2, Waytena teaches a system for managing admission to an attraction comprising:

- a first validator for establishing entitlement of a customer to access an attraction (taught as the PCD and its ability to determine if a request is valid or not and based on this determination, sending the request to an attraction computer, C8 L36-43);
- a controller for generating an assigned time that the customer may access the attraction wherein the assigned time comprises a next available time (taught as the attraction computer determining a next available time based on a "next available time" selection (C14 L47) of the customer, C12 L25-30 and C12 L38-45); and
- a second validator for permitting the customer to access the attraction at the assigned time (taught as the ability of the system to detect the arrival of the customer to the attraction, C19 L10-12 and C21 L42-49).

As per claims 3 and 5, the rejection of claims 1-2 is applied, wherein the disclosed system of Waytena further comprises:

- a first queue (Figure 1 element 103) which is a waiting line;

- a second queue (virtual queue, Figure 2 element 210) that avoids the use of the first queue; and
- a first validator (taught as the PCD and its ability to determine if a request is valid or not and based on this determination, sending the request to an attraction computer, C8 L36-43);

As per claim 4, Waytena teaches a second validator (see rejection of claims 1-2).

As per claim 6, a “single time” is inherent to a next available time being generated.

As per claim 13, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45) and from other information (C12 L50-63).

As per claim 14, Waytena teaches a display for displaying times (Figures 5b-5e).

6. As per claims 19-20, 29, 39, 49, 59, 69, 78, 89, 99, 109, 121, 133, 145-146, 148, 152-153, 155, 159, 169, 180 and 192, the rejection of claims 3 and 5 are applied from above.

7. As per claim 21, Waytena teaches the issuing of media if the customer is entitled to access the attraction (taught as the attraction computer sending reservation times back to the PCD when it is determined that the customer may access the attraction).

As per claim 22, a feature wherein times are assigned chronologically is inherent to the situation disclosed by Waytena wherein a next available time is selected via the PCD.

As per claim 23, Waytena teaches the display of a next available time on the PCD by allowing a customer to decline a “next available time” in hopes of receiving a better future time in the subsequent generation of further future reservation times (C13 L10-20).

As per claim 24, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45).

8. As per claims 30, 40, 50 and 60, if a customer chooses the “next available” button on the PCD, then the next available time received from the attraction computer to the PCD is or must be the next available time. This feature is therefore, inherent, to the generation of a next available time.

As per claims 31, 41, 51, 61, 70, 160 and 193, Waytena teaches verifying entitlement of a customer (taught as the ability of an attraction computer/PCD to determine if a customer reservation request is valid based on information about the park and the about the customer, C8 L32-55).

As per claims 32, 42, 52, 62, 71, 161 and 194, Waytena teaches a comparator for comparing the current time with a reservation time (C27 L17-21).

As per claims 34-36, 44-46, 54-56, 64-66, 73-75, 163-165 and 196-198, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45) and also teaches that the attraction computer utilizes information relating to the attraction’s capacities to determine reservation times (C12 L52-63).

As per claims 37, 47, 57, 67, 76, 166 and 199, Waytena teaches multiple future times for different attractions being represented concurrently on the same PCD (Figure 5b, element 545).

As per claims 38, 48, 58, 68, 77, 167 and 200, Waytena teaches the distribution of PCD's before the patron(s) (customers) accesses any of the attractions (rides) in the amusement park (venue) (C2 L58-62).

As per claims 168 and 201, Waytena teaches a feature wherein a predetermined grace period is exercised by the attraction computer to allow for a customer who is running a bit late to still have access to the attraction (C 21 L56-58).

9. As per claims 79 and 170, if a customer chooses the "next available" button on the PCD, then the next available time received from the attraction computer to the PCD is or must be the next available time. This feature is therefore, inherent, to the generation of a next available time.

As per claims 80, 90, 100 and 171, Waytena teaches a feature wherein a predetermined grace period is exercised by the attraction computer to allow for a customer who is running a bit late to still have access to the attraction (C 21 L56-58).

As per claims 81, 91, 101 and 172, Waytena teaches the distribution of reservation times to portable, individual PCD's wherein the reservation times are displayed on a display screen of the individual PCD (Figure 5b, element 545).

As per claims 82, 92, 102 and 173, Waytena teaches a second validator for determining when the customer has accessed either the attraction, or the location of the

attraction, at the assigned time (taught as the ability of the system to detect the arrival of the customer to the attraction, C19 L10-12 and C21 L42-49).

As per claims 85, 95, 105 and 176, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45) and also teaches that the attraction computer utilizes information relating to the attraction's capacities to determine reservation times (C12 L52-63).

As per claims 86, 96, 106 and 177, Waytena teaches an attraction being a ride (Figure 5b element 541).

As per claims 87, 97, 107 and 178, Waytena teaches the use of sensors for determining when a particular customer has arrived at the attraction where he/she has a reservation (C21 L42-58).

As per claims 88, 98, 108 and 179, Waytena teaches the use of a first queue for allowing customers to access an attraction, a second queue, a first validator means associated with allowing a user to access the attraction via the second queue, and a second validator means associated with the second queue (see rejection of claims 3 and 5 above).

10. As per claims 110, 122, 134 and 181, if a customer chooses the "next available" button on the PCD, then the next available time received from the attraction computer to the PCD is or must be the next available time. This feature is therefore, inherent, to the generation of a next available time.

As per claims 111, 123, 135 and 182, Waytena teaches a future reservation time being transmitted to individual PCD's so that a customer may determine if he/she would

like to reserve the future time for a particular attraction (Figures 1-2 and 5b) wherein the second queue possesses a detector for determining if and when a customer has arrived at the attraction (C21 L42-58).

As per claims 114, 126, 138 and 185, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45) and also teaches that the attraction computer utilizes information relating to the attraction's capacities to determine reservation times (C12 L52-63).

As per claims 116-117, 128-129, 140-141 and 187-188, Waytena teaches a database (C10 L65-67).

As per claim 119, 131, 143 and 190, Waytena teaches the display of a next available time on the PCD by allowing a customer to decline a "next available time" in hopes of receiving a better future time in the subsequent generation of further future reservation times (C13 L10-20).

As per claims 120, 132, 144 and 191, Waytena teaches a feature wherein a predetermined grace period is exercised by the attraction computer to allow for a customer who is running a bit late to still have access to the attraction (C 21 L56-58).

11. As per claims 147, 150, 154 and 157, Waytena teaches an attraction availability being determined by the virtual queue and the physical queue (C12 L38-45) and also teaches that the attraction computer utilizes information relating to the attraction's capacities to determine reservation times (C12 L52-63).

As per claims 149 and 156, Waytena teaches that previously made reservations may be accessed and or viewed or manipulated based on the needs of the customer (C14 L13-35).

As per claims 151 and 158, Waytena teaches a feature wherein a predetermined grace period is exercised by the attraction computer to allow for a customer who is running a bit late to still have access to the attraction (C 21 L56-58).

12. Claims 3, 15-16, 19, 25-26, 29, 33, 39, 43, 49, 53, 59, 63, 69, 72, 78, 81-84, 89, 91-94, 99, 101-104, 109, 111-113, 121, 123-125, 133, 135-137, 159, 162, 169, 172-175, 180, 182-184, 192 and 195 are rejected under 35 U.S.C. 102(e) as being anticipated by Maeda et al., U.S Patent No. 5,987,420.

As per claims 3, 19, 29, 39, 49, 59, 69, 78, 81, 89, 91, 99, 101, 109, 111, 121, 123, 133, 135, 159, 169, 172, 180, 182 and 192, Maeda teaches a system for managing access to an attraction, the system comprising:

- a first queue (inherent to an amusement park with a waiting line);
- a second queue that allows a customer to access the ride without using the first queue (Figure 3 element 24);
- a first validator for determining if a customer may access an attraction and based upon this determination, a future time is generated so that the customer may access the attraction without having to wait in a traditional waiting line (Figure 1 element 2 and C3 L35-54).

As per claims 15-16, 25-26, 33, 43, 53, 63, 72, 83, 93, 103, 112, 124, 136, 162, 174, 183 and 195, Maeda teaches the generation of a reservation ticket that has reservation times printed and magnetically recorded onto it (C3 L37-40).

As per claims 82, 92, 102 and 173, Maeda teaches a second validator (Figure 1 element 3).

As per claims 84, 94, 104, 113, 125, 137, 175 and 184, Maeda teaches a card reader (Figure 2 element 14).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 115, 127, 139 and 186 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena as applied to claims 109, 121, 133 and 180, respectively, above.

As per claims 115, 127, 139 and 186, Official Notice is taken with respect to a feature wherein the controller (attraction computer) is a server. A server is well known in the art, especially within the confines of a wireless communications network, and its incorporation would form a more efficient means of operating the system by providing an efficient means of communicating information to a central computer.

14. Claims 118, 130, 142 and 189 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena as applied to claims 109, 121, 133 and 180, respectively, above.

As per claims 118, 130, 142 and 189, Official Notice is taken with respect to feature wherein the wait time associated with a waiting line of an attraction is displayed for the patrons to view. This well known means of informing a patron as to the length of wait would have been obvious since it would form a more efficient means of operating Waytena's disclosed system by allowing for a customer to determine, on an individual basis, whether the wait in the standing line would be more optimal than waiting for a reservation time via the attraction computer.

15. Claims 202-206 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena.

As per claim 202, the rejection of claims 1-3 and 5 are applied from above.

Furthermore, although not specifically stated, the use of a "range of times" is and obvious variation of the disclosed system since it would form a more efficient means of offering times to the customer, thereby providing increased flexibility in the system by allowing a user to determine whether he or she would like a time within a range of times. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have allowed Waytena to have incorporated a "range of times" for at least the reasons as set forth above.

As per claim 203, multiple assigned times are displayed (Figure 5b element 545).

As per claim 204, the use of multiple assigned times for the same attraction is an obvious variation of the disclosed system since it would merely provide for a situation where a customer wants to access the same attraction more than once in the same day. Therefore, since this is a common occurrence at most amusement parks, and since Waytena teaches multiple assigned times, as discussed above, a feature wherein a user can reserve multiple times for the same attraction would have been obvious to one of ordinary skill in the art at the time the invention was made since it would allow a user to plan out the whole day of rides or attraction he or she would like to visit, which is the intention of the disclosed system of Waytena.

As per claims 205-206, Waytena teaches multiple assigned times for different attractions (Figure 5b, element 545).

Allowable Subject Matter

16. The following is a statement of reasons for the indication of allowable subject matter:

Claims 7-12 are objected to as being dependent upon a rejected base claim (claim 3), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claims 7-12, specifically dependent claim 7, the prior art of record fails to teach or adequately suggest a method for managing access to an attraction wherein a first validator means is arranged to validate at least one type of identifying information from the group consisting of:

- magnetic stripe;
- bar code;

- radio frequency;
- iris;
- fingerprint;
- retina
- voice;
- thermal;
- finger or hand geometry; and
- visual identification,

in combination with the other claimed features (claims 3-6) and or limitations as claimed by the claimed invention.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent No. 5,502,806 (Mahoney et al) teaches a waiting line management system whereby a user may access an attraction via a second queue, wherein the system uses individual cards.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (703) 308-7001. The examiner can normally be reached Monday-Friday, 11:30 am – 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached at (703) 305-8498. The fax number for this examiner is (703) 746-5408.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9618.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

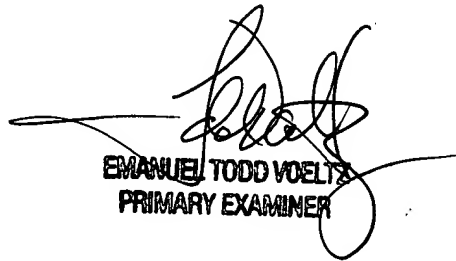
(703) 746-7239, (for formal communications intended for entry)

Or:

(703) 746-7240, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor
(Receptionist).

Ronald D. Hartman Jr.
Patent Examiner
Art Unit 2121
April 2, 2003



EMANUEL TODD VOELTZ
PRIMARY EXAMINER